

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LAURA PITTMAN,)	
)	
Plaintiff,)	FILED: AUGUST 14 , 2008
)	08CV4625
vs.)	No. JUDGE LEINENWEBER
)	MAGISTRATE JUDGE DENLOW
PRO SOURCE MOTORSPORTS, INC.,)	
)	
Defendant.)	AEE

COMPLAINT

NOW COMES Plaintiff, LAURA PITTMAN ("Plaintiff"), by and through her attorneys, KROHN & MOSS, LTD., complaining against Defendant, PRO SOURCE MOTORSPORTS, INC. ("Defendant"), and alleging as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Odometer Requirements Act, 49 U.S.C. § 32107, *et seq.* and 625 ILCS 5/3-112.1.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Odometer Requirements Act, 15 U.S.C. § 1989 (b) which gives this court subject matter jurisdiction.

FACTS COMMON TO ALL COUNTS

3. The Plaintiff, LAURA PITTMAN ("Plaintiff") was at all times relevant hereto residing in the state of Illinois.

4. The Defendant, PRO SOURCE MOTORSPORTS, INC. ("Seller") is a business corporation engaged in the sale of motor vehicles and related services and accessories. Seller is authorized to and conducts business in the state of Illinois.

5. On or about May 23, 2008, Plaintiff purchased from Seller a used 2005 Honda Ridgeline ("Ridgeline") for valuable consideration (See purchase documents, attached hereto as Exhibit "A").

6. Prior to and at the time of Plaintiff's purchase, Seller, acting through its duly authorized agents and salesperson, Russell Ott, made numerous representations to Plaintiff regarding the Ridgeline, including the following:

- a. That the Ridgeline had been driven twenty-five thousand (25,000) miles (See sale listing on eBay Motors for the Ridgeline, attached hereto as Exhibit "B").

7. In making the aforementioned representation, Seller misrepresented, suppressed, omitted and/or concealed the following material facts from Plaintiff, with the intent Plaintiff rely on said misrepresentations, suppressions, omissions and/or concealments:

- a. that the Ridgeline had not been driven only twenty-five thousand (25,000) miles;
- b. that the Ridgeline's odometer had been replaced or rolled back to show only twenty-five thousand (25,000) miles; and,
- c. that the Ridgeline had traveled an amount of miles substantially in excess of twenty-five thousand (25,000) miles (See copy of Fuller's receipt evidencing excess mileage, attached hereto as Exhibit "C").

8. Seller failed to inform Plaintiff that the twenty-five thousand (25,000) miles as represented by Defendant was not the actual mileage as required on the Odometer Disclosure Statement (See Exhibit "B").

9. Had Plaintiff known Seller's representations as stated above were untrue, or had Plaintiff known the true condition of the Ridgeline, Plaintiff would not have purchased the Ridgeline.

10. Plaintiff exercised all due diligence and reasonably relied on Seller's representations.

11. Seller had either actual knowledge or reasonably should have known the falsity of its representations, or acted in reckless disregard for the truth or falsity of its representations.

12. Seller intended to induce Plaintiff's reliance on Seller's pre-sale representations.

13. Plaintiff suffered actual damages in reliance on Seller's misrepresentations, including:

- a. purchase of an automobile which failed to conform to the basis of the bargain as it was not worth the amount as represented;
- b. loss of all moneys expended towards the purchase of the Ridgeline; and,
- c. severe aggravation and inconvenience.

14. Plaintiff's actions of purchasing an automobile from Seller are akin to all consumers' actions and thus concern all consumers.

15. Seller's misrepresentation of and/or failure to disclose the true condition of the Ridgeline involve consumer protection concerns, as Seller holds itself out to be a place of business where consumers can come to purchase automobiles and related services.

16. The requested relief is in the best interest of all consumers, as if the requested relief is granted, Seller will be discouraged from engaging in conduct similar to that alleged fraudulent in this Complaint.

COUNT I
VIOLATION FEDERAL ODOMETER REQUIREMENTS ACT-
SELLER

17. Plaintiff re-alleges and incorporates by reference as though fully set forth herein, paragraphs 1-16 of this Complaint.

18. Seller's actions as stated above constitute a violation of the Federal Odometer Requirements Act, 49 U.S.C. 32701 et. seq.

WHEREFORE, Plaintiff requests that the Court:

- a. Enter judgment against Seller for actual, statutory, punitive and other damages to which Plaintiff is entitled;
- b. Award attorneys fees, litigation expenses and costs; and
- c. Grant other relief deemed just and appropriate.

COUNT II
ILLINOIS ODOMETER FRAUD
SELLER

19. Plaintiff re-alleges and incorporates by reference as though fully set forth herein, paragraphs 1-16 of this Complaint.

20. Seller's actions as stated above constitute violations of Illinois State law, 625 ILCS 5/3-112.1.

WHEREFORE, Plaintiff requests that the Court:

- a. Enter judgment against Seller for all actual, statutory and punitive damages to which Plaintiff is entitled;
- b. Award attorneys fees, expenses of litigation and costs; and
- c. Grant other relief deemed just.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
LAURA PITTMAN

By: s/Gregory H Moss
Attorney for Plaintiff

KROHN & MOSS, LTD.
Attorneys for Plaintiff
120 West Madison Street, 10th Floor
Chicago, IL 60602
(312) 578-9428

EXHIBIT A

PRO SOURCE MOTORSPORTS

WWW.PROSOURCEMOTORSPORTS.COM
630 EAST US ROUTE 6
MORRIS, IL 60450
815-941-9258

Customer:

PITMAN, LORI
827 B RATTEN AVE
MARSEILLES, IL 61341
1-815-795-2753 1-815-252-7143

Sales Deal Summary

Deal Number: 1006723

Date: 5/24/2008

Delivery Date: 5/23/2008

Finalized Date:

First Payment Due: 6/22/2008

Major Units	Stock #	Year	Make	Model	Model Name	VIN
	H513474	2006	HONDA	RIDGELINE		2HJYK16536H513474
Major Units						
Unit	\$20,000.00			Vehicle Tax	\$1,276.13	
Freight	\$0.00			Sales Tax	\$0.00	
Handling	\$0.00			Doc Fees	\$150.00	
Total Unit	\$20,000.00			License Fees	\$105.00	
Parts and Accessories	\$0.00			Total Fees	\$1,531.13	
Installation	\$0.00			Service Contract	\$0.00	
Total Parts and Install	\$0.00			Prop / Liab Insurance	\$0.00	
Shipping	\$0.00			Credit Life	\$0.00	
U.V.I.	\$268.00			Accident / Health	\$0.00	
Delivery	\$0.00			Total Insurance Taxes	\$0.00	
	\$0.00			Total Insurance	\$0.00	
	\$0.00			Etching	\$0.00	
	\$0.00			Pre-Paid Maintenance	\$0.00	
Total Dealer Defined	\$268.00			C.C. fee	\$0.00	
				Acquisition Fee	\$0.00	
				Gap	\$0.00	
				Tire & Wheel	\$0.00	
				Total Dealer Defined	\$0.00	
Fees & Insurance						
Down Payment						
Total Previous Payments	\$0.00			Additional Pmt Today	\$0.00	
Deferred Payment	\$0.00			Manuf to Cust Rebate	\$0.00	
Total Down Payment	\$0.00			Trade Allowance	\$0.00	
Less Trade Payoff	\$0.00			Trade Equity	\$0.00	
Financing						
Total Price	\$21,799.13			Term	0	
Less Down	\$0.00			APR	0.000%	
Amount Financed	\$21,799.13			Add-on	0.0%	
Finance Charge	\$0.00			Extra	0.0%	
Total of Payments	\$21,799.13			Monthly Payment	\$0.00	

Illinois Department of Revenue

ST-556 Sales Tax Transaction Return
(R-7/06)
(For Vehicles, Watercraft, Aircraft, Trailers,
and Mobile Homes)

Tax return no.: 123456789
IBT no.: 1234567
Taxable location no.: 000-00000-0000
Taxable location name: GARDEN CITY
Dealer's license no.: 123456789
Rev: 04
Form: 016

1 Write the buyer's name and address

Name(s) PITTMAN, LORE
Street 827 B RATTEN AVE City MARSEILLE State IL ZIP 61341

2 Describe the item sold

A Vehicle B Watercraft C Aircraft
 D Trailer E Mobile Home F _____

New Used

Identification no. 2HGYK16556519974

Year 2005 Make HONDA

Body style and model RIDGELINE

3 Write the date of delivery

Month / day / year

(This return is due no later than 20 days after the date of delivery.)

4 Describe the trade-in, if any

Item traded in _____

Identification no. _____

Year _____ Make _____

Body style and model _____

5 Exempt or sale to a nonresident

If so, check the correct box below, and see instructions for Section 6.

- A Nonresident buyer (NOT an out-of-state dealer) See instructions.
drive-away permit no./lic. plate no. _____ state _____
 B Sold for resale to a DEALER _____
(Write either the Illinois dealer's IBT no. or "Out-of-state dealer")
 C Exempt organization (government, school, religious, or charitable)
tax-exempt no. E-_____
 D Sold to an Interstate carrier for hire for use as rolling stock
Certificate of authority no. _____
 E Sold for rental use
buyer's IBT no. _____
 F Other (describe) _____

Under penalties of perjury, we state that we have examined this return,
including any schedules and statements, and to the best of our knowledge, it
is true, correct, and complete. If the seller has taken a qualified trade-in, we
also state that the buyer has properly assigned and surrendered the title of
the trade-in to the seller.

Signature of buyer(s) _____ Date _____
Signature of seller _____ Date _____

Do not write above this line.

NS	CA	ED	RC	TL
----	----	----	----	----

STATE TAX
CITY TAX
COUNTY TAX
TOWNSHIP TAX
SCHOOL TAX
SPECIAL TAXES
TAXES ON TAXES

6 Write the price, and figure the tax (Round to nearest dollar)

You must complete Lines 1 and 2 even if no tax is due.

- 1 Total price (include accessories, federal excise taxes,
freight and labor, dealer preparation, documentary fees,
and dealer-reimbursed rebates or incentives). \$20,150.00
2 Total trade-in credit or value. \$0.00
3 Amount subject to tax [Line 1 - Line 2] \$20,150.00
4 Tax [Line 3 X .0061] (If you made this sale
from a temporary sales location, see the instructions.) \$20,150.00

5 Use tax for certain districts - (see instructions)

Do not report home rule use tax below.

- a. County _____
b. City _____
c. Township _____

6 Total tax [Line 4 + Line 5] \$1,209.00

7 Retailer's allowance if filed on time
[Line 6 X .17%] \$209.00

8 Net tax due [Line 6 - Line 7] \$1,000.00

9 Prior overpayment (see instructions) \$0.00

10 Credit for previously paid tax (see instructions)

On the line below, write the tax return number
of the Form ST-556 on which you previously
paid tax to an Illinois dealer.

Tax return no. _____

11 Excess tax collected. \$0.00

12 Total tax due
[Line 8 - Line 9 - Line 10 + Line 11] \$1,000.00

13 Credit memorandum (see instructions) \$0.00

14 Amount due [Line 12 - Line 13] \$1,000.00

Dealer's check no. _____

Do not write below this line.

Date received by Illinois state government Copy 3 - Purchaser's

EXHIBIT B

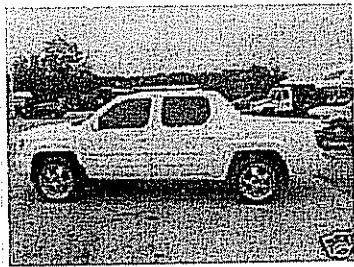
[Printer Version](#) | All | Summary

Listed in category: eBay Motors > Cars & Trucks > Honda > Ridgeline

2005 Honda Ridgeline

Honda : Ridgeline

Item number: 310052411681

Starting bid: **US \$20,000.00**

Get low monthly payments

Shipping: See item description for shipping details.

Sells to: United States

Item location: MORRIS, IL, United States

Ended: **May-24-08 12:48:27 PDT**

History: 0 bids

Seller: prosourceliquidators (173 ★)

Store: PRO SOURCE MOTORSPORTS

Feedback: 173 (100% positive)

Member: since Oct-15-03 in United States

This vehicle comes with up to \$50,000 in fraud protection**2005 Honda Ridgeline**Title: ****2005 Ridgeline LOADED!Leather!CLEAN! No Reserve*****

Mileage: 25,000 miles

Location: MORRIS, IL

Vehicle Information

VIN: 2HJYK16536H513474 | Get the Vehicle History Report

Inspection: Order an independent inspection

Warranty: No

Vehicle title: Clear

Condition: Used

For sale by: Dealer

Features

Body type: SUV Engine: 6 Cylinder Exterior color: White

eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... http://cgi.ebay.com/ebaymotors/Honda-Ridgeline_W0QQitemZ310...

Transmission:	Automatic	Fuel type:	Gasoline	Interior color:	Gray
Cab type (for trucks only): Crew cab					
Options					
Sunroof		Leather seats		Cassette player	
CD player		4-Wheel drive		Anti-lock brakes	
Driver airbag		Passenger airbag		Air conditioning	
Cruise control		Power locks		Power windows	
Power seats					

Description (revised)**PRO SOURCE MOTORSPORTS**

Visit my eBay Store: PRO SOURCE MOTORSPORTS
 PRE-OWNED UNITS | CLOSE OUTS | Other |
 SUZUKI ATV ACCESSORIES | New Units

[Add to Favorite Stores](#)
Vehicle Description**Fully Loaded 2005 Honda Ridgeline**

ProSource Motorsports Morris, IL 815-941-9258

White with tan/grey leather interior

20" custom wheels

stock wheels also included

4 Door

AM/FM/CD/GPS/Satellite radio

truck bed cover

storage under truck bed

Has power everything:

windows

locks

seats

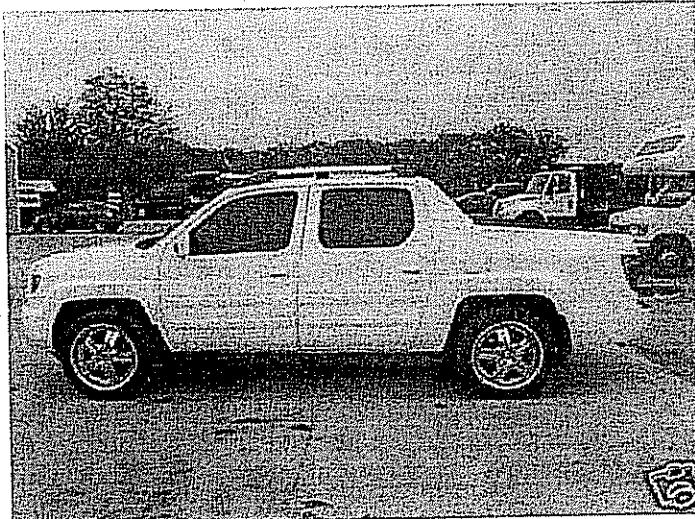
sunroof

This vehicle had been very well maintained, dealer owned.

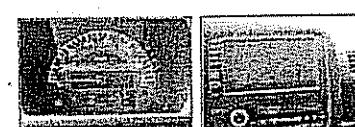
eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... http://cgi.ebay.com/ebaymotors/Honda-Ridgeline_W0QQitemZ310...

Illinois residents pay tax, title, and doc fee. AZ, CA, FL, HI, IN, MA, MI, SC, VT residents pay tax and doc fee. All other residents pay doc fee. Buyer is responsible for shipping and/or delivery charges. If you have any questions about the vehicle or fees, please contact us prior to bidding. We are a licensed dealer out of the suburbs of Chicago ,IL. We are open 7 days a week to answer all of your questions. For more information, or to schedule a test drive, call 815-941-9258 and ask for eBay sales dept.

[Enlarge this picture](#)



[Select a picture](#)



00158

Shipping, payment details, and return policy

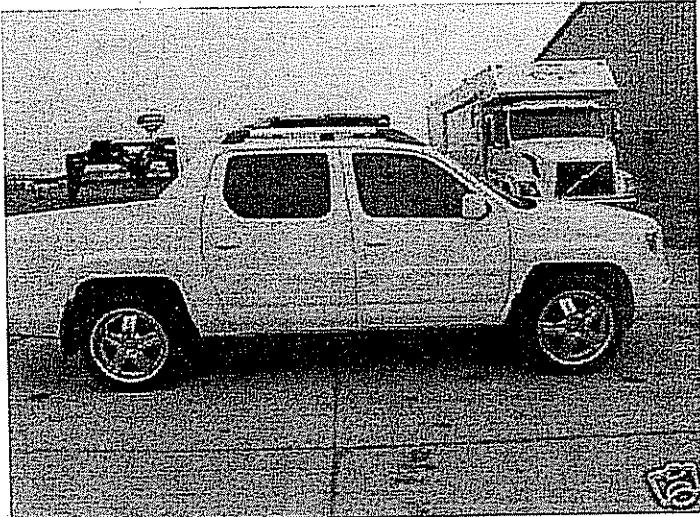
Pickup & Shipping

See item description for shipping details.

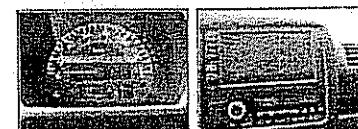
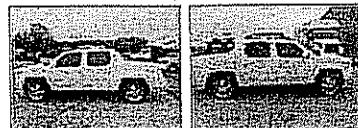
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Illinois residents pay tax, title, and doc fee. AZ, CA, FL, HI, IN, MA, MI, SC, VT residents pay tax and doc fee. All other residents pay doc fee. Buyer is responsible for shipping and/or delivery charges. If you have any questions about the vehicle or fees, please contact us prior to bidding. We are a licensed dealer out of the suburbs of Chicago ,IL. We are open 7 days a week to answer all of your questions. For more information, or to schedule a test drive, call 815-941-9258 and ask for eBay sales dept.

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Shipping, payment details, and return policy

Pickup & Shipping

See item description for shipping details.

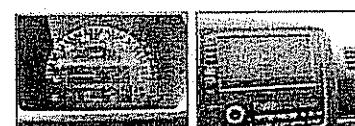
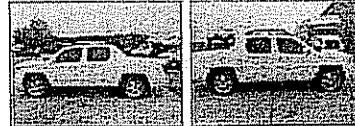
eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... http://cgi.ebay.com/ebaymotors/Honda-Ridgeline_W0QQitemZ31...

Illinois residents pay tax, title, and doc fee. AZ, CA, FL, HI, IN, MA, MI, SC, VT residents pay tax and doc fee. All other residents pay doc fee. Buyer is responsible for shipping and/or delivery charges. If you have any questions about the vehicle or fees, please contact us prior to bidding. We are a licensed dealer out of the suburbs of Chicago ,IL. We are open 7 days a week to answer all of your questions. For more information, or to schedule a test drive, call 815-941-3258 and ask for eBay sales dept.

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Shipping, payment details, and return policy

Pickup & Shipping

See item description for shipping details.

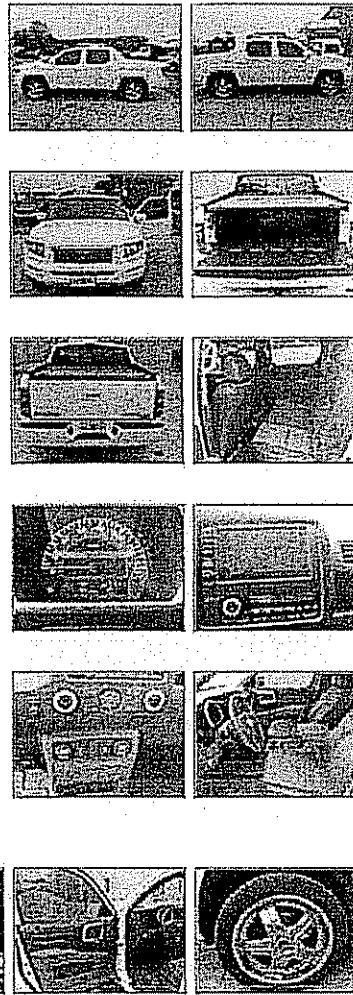
eBay Motors: Honda : Ridgeline (item 310052411681 end time Ma... file:///C:/Documents%20and%20Settings/Dad/My%20Documents/...

Illinois residents pay tax, title, and doc fee. AZ, CA, FL, HI, IN, MA, MI, SC, VT residents pay tax and doc fee. All other residents pay doc fee. Buyer is responsible for shipping and/or delivery charges. If you have any questions about the vehicle or fees, please contact us prior to bidding. We are a licensed dealer out of the suburbs of Chicago ,IL. We are open 7 days a week to answer all of your questions. For more information, or to schedule a test drive, call 815-941-9258 and ask for eBay sales dept.

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00158

Shipping, payment details, and return policy

Pickup & Shipping

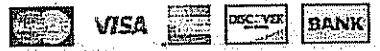
See item description for shipping details.

Seller's payment instructions

IL residents pay tax, title and doc fee. Out of state residents pay all applicable taxes and doc fee. Buyer responsible for shipping or delivery fees

Deposit via PayPal

US \$500.00 within 72 hours of auction close.



Payment methods accepted

- Personal check
- Cashier's Check (certified from US or Canadian bank) or money order
- Loan check
- Cash (in person)

Full payment

Required within 10 days of auction close.

Seller assumes all responsibility for listing this item.

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EXHIBIT C

Fuller's Carwash of Geneva
 1122 E State St
 Geneva, IL 60134
 630 845-0055

Lube Invoice & Recommendations



41083G-IL

Customer Information		Vehicle Information	
name: OTT, RUSSELL	Phone#:	Vehicle: 2006 Honda Ridgeline (White)	
Address: 1N292 BUNGINGS ROAD		Engine: 6Cyl 3.5L VTEC (J35A9) (L)	
GENEVA, IL 60134		VIN#:	
Invoice Printed on: 10/08/2007, 04:15 PM			

NOTES		SERVICE PERFORMED			
1. All service is indicated by the SERVICE light. Read service symbol on console and service accordingly					
Date	Ato	Miles	Ato	Services	
10/08/07	79,409			FSOilCh, Wipers	
07/05/07	3mo	73,957	5k	FSOilCh	
02/18/07	8mo	68,575	11k	FSOilCh	

67513474

Service Supplied		Sale # 43047046145	
Chassis	Zerks: 0	10/08/2007, 04:15 PM	
Wiper Blades	Replaced Passenger*		
Front Diff. Fluid	Checked-OK		
Rear Diff. Fluid	Checked-OK	10/08/2007 04:23 PM	
Cerpetine Belt Chk	Checked-OK	1M17432985 - 001	
Fr Filter	Checked-OK	439593	
Reather	N/A		
CV Valve	Checked-OK		
Cabin Air Filter	N/A		
Transmission Fluid	Checked-OK		
Brake Fluid	Added		
Lower Steering Fluid	Checked-OK		
Coolant	Checked-OK		
Front Tire Pressure	PSI: 35		
Rear Tire Pressure	PSI: 35		
Lights	Checked-OK		
Windshield Washer Fluid	Added		
Windshield Cleaned	Completed		
Qty Description Amount			
1 FS Oil Change 33.95			
1 19 Point Inspection 1.50			
1 Environmental Fee 0.00			
1 MILEOF:MO7317 0.00			
4.5 Castrol GTX 5w20 0.00			
1 Detail Package 3 169.95			
1 WIPER:BMEB22 11.95			
1 WIPER:BMEB24 12.95			
Subtotal: 230.30			
Tax: 2.66			
Total: 232.96			

VISA 232.96

VS XXXX XXXX XXXX 5412
Approval #: 095900

I will not hold this service center responsible for any pre-existing conditions or untimely/improper prior maintenance of this vehicle.

Lube Btm Tech (LB):

Lube Top Tech (LT):

INTEGRITY SERVICE

01/06/2008 or 82,409 miles

Thank you for visiting Fullers Fast Lube!

Stop in and visit our new gas station

And Cafe Featuring Chicago style hot dogs

Hot Italian beef sandwiches and more!!!

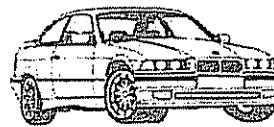
AUTOMOBILE DETAIL CENTERS

GENEVA, IL
OAK LAWN, IL
MOKENA, IL
PALOS HEIGHTS, IL
COUNTRYSIDE, IL
HINSDALE, IL
AURORA, IL
WESTMONT, IL
ELK GROVE, IL
DES PLAINES, IL

1122 E. STATE STREET
4750 W. 103RD ST.
19510 LA GRANGE ROAD
117th & SOUTHWEST HWY
BRAINARD & PLAINFIELD
LINCOLN & CHICAGO AVE.
2850 OGDEN AVENUE
417 W. OGDEN AVE.
HIGGINS & LIVELY
ELMHURST & ALGONQUIN

(630) 845-0055
(708) 422-7500
(708) 478-8900
(708) 361-3060
(708) 482-7888
(630) 325-0088
(630) 898-9274
(630) 663-1600
(847) 640-8228
(847) 952-9030

DONE ✓



NAME	JTT RUSSELL		DATE	10-08-07			
ADDRESS							
MAKE	HONDA	MODEL	RIDGECLINE	YEAR	2006	RECEIVED	A.M.
LICENSE NO.	SPEC. INSTRUCTIONS				PROMISED	A.M.	
WRITTEN BY	TECHNICIAN Salvado Jr				PHONE	715-5825	

FULL SERVICE DETAILING

DETAIL PACKAGE 1

Deluxe Meguiar's Paste Wax - Full service Soft Cloth car wash, Wax paint finish,
 Exterior chrome and trim cleaned and polished, Doors, hood and trunk jams cleaned,
 Wheels and tires cleaned, Armor All tires, bumpers and dash board.

DETAIL PACKAGE 2

Deluxe Paint Restoration - Full service Soft Cloth car wash, Paint restoration (clean
 and polish paint finish), Wax paint finish, Exterior chrome and trim cleaned and polished,
 Doors, hood and trunk jams cleaned, Wheels and tires cleaned, Armor All tires,
 bumpers and dash board.

~~paid~~
~~CC~~
~~CC~~

DETAIL PACKAGE 3

Super Protection - Full service Soft Cloth car wash, Wax paint finish, Exterior chrome
 and trim cleaned and polished, Doors, hood and trunk jams cleaned, Wheels
 and tires cleaned, Armor All tires and bumpers, Complete interior shampoo.

169.95

DETAIL PACKAGE 4

The Ultimate Protection - Full service Soft Cloth car wash, Paint restoration (clean
 and polish paint finish), Wax paint finish, Exterior chrome and trim cleaned and polished,
 Doors, hood and trunk jams cleaned, Wheels and tires cleaned, Armor All tires and
 bumpers, Complete interior shampoo.

EXPRESS & ALA CARTE DETAIL SERVICES

Fuller's Fast Wax

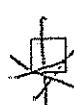
Fuller's Interior Spiff

Including Seats

Shampoo Carpets & Mats

Special Wheel Cleaning

Complete Interior Shampoo



Misc

4/0/F

TOTAL

232.95